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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: Case No. 1D 2001 62804

DON FADRI FERROLINO
426 East Randolph Street
Glendale, CA 91207

A C C U S A T I O N

Physical Therapist's License No. PT 16584,
Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (AComplainant@) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs (ABoard@) .

2. On or about April 5, 1990, the Board issued Physical Therapist's License number PT 16584 to Don Fadri Ferrolino (ARespondent@). The Physical Therapist's License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2004, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the

below mentioned statutes and regulations.¹

4. Section 2609 of the Code states:

AThe board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.@

5. Section 2620.7 of the Code states:

A(a) A physical therapist shall document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record.

(b) A physical therapist shall document the care actually provided to a patient in the patient record.

(c) A physical therapist shall sign the patient record legibly.

(d) Patient records shall be maintained for a period of no less than seven years following the discharge of the patient, except that the records of unemancipated minors shall be maintained at least one year after the minor has reached the age of 18 years, and not in any case less than seven years.@

6. Section 1399.85 of the California Code of Regulations states:

AA physical therapist shall document in the patient record the following:

(1) Examination and re-examination.

(2) Evaluation, when the patient is to be reevaluated and the reevaluation.

(3) Diagnosis.

(4) Prognosis and intervention.

(5) Treatment plan and modification of the plan of care.

1. All statutory references are to the Business and Professions Code (ACode@) unless otherwise indicated.

1 (6) Each treatment provided.

2 (7) Discharge Summary.

3 Each entry shall be dated and signed by the treating physical therapist. Adjacent
4 to the treating physical therapist=s signature or at least on every page if there are multiple
5 entries on a single page shall be the printed or stamped name of the treating physical
6 therapist.@

7 7. Section 495 of the Code states:

8 ANotwithstanding any other provision of law, any entity authorized to issue a
9 license or certificate pursuant to this code may publicly reprove a licentiate or certificate
10 holder thereof, for any act that would constitute grounds to suspend or revoke a license or
11 certificate. Any proceedings for public reproof, public reproof and suspension, or
12 public reproof and revocation shall be conducted in accordance with Chapter 5
13 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
14 Code [the Administrative Procedure Act], or in the case of a licensee or certificate holder
15 under the jurisdiction of the State Department of Health Services, in accordance with
16 Section 100171 of the Health and Safety Code.@

17 8. Section 2661.5, subdivision (a) of the Code states:

18 A(a) In any order issued in resolution of a disciplinary proceeding before
19 the board, the board may request the administrative law judge to
20 direct any licensee found guilty of unprofessional conduct to pay
21 to the board a sum not to exceed the actual and reasonable costs of
22 the investigation and prosecution of the case.@

23

24 CAUSE FOR DISCIPLINE

25 (Failure to Prepare and Maintain Requisite Patient Records)

26 9. Respondent=s license is subject to disciplinary action under section

27

2620.7 of the Code and section 1399.85 of the California Code of Regulations in that he failed to prepare and maintain requisite patient records. The circumstances are as follows:

a. Between July 1, 2000, and June 1, 2001, Respondent furnished physical therapy services pursuant to his contract with Affiliated Home Health Services, Inc. (AAHHS@). The contract was terminated for Respondent=s failure to supply patient records to AHHS on a weekly basis, as required by its terms. Respondent failed to prepare and maintain records of his treatment and/or evaluations of pertaining to the following four patients²:

(1) Patient A.C.

Respondent failed to prepare and maintain any record(s) of his visits with A.C. on March 15, 2001, March 20, 2001, March 22, 2001, March 24, 2001 and April 6, 2001.

(2) Patient F.F.

Respondent failed to prepare and maintain any record(s) of his visits with F.F. on February 21, 2002, February 25, 2002, March 4, 2002, March 8, 2002, March 12, 2002, March 20, 2002, March 22, 2002, March 26, 2002, April 2, 2002, and April 4, 2002.

(3) Patient P.P.

Respondent failed to prepare and maintain any record(s) of his visits with P.P. on April 13, 2001.

(4) Patient R.S.

Respondent failed to prepare and maintain any record(s) of his visit with R.S. on April 27, 2001.

b. Respondent contracted with Home Health Integrated Services, Inc.

2. Initials are used to protect the patients= privacy. The full names will be provided to the Respondent in discovery.

(AHHIS@) to provide physical therapy services in patients' homes. Respondent failed to prepare and maintain records of his treatment and/or evaluations of pertaining to the following five patients:

(1) Patient C.B.

Respondent failed to document his examination or re-examination of C.B. in the records pertaining to the visits of January 7, 2003, and January 9, 2003. Respondent failed to prepare and maintain any record(s) of his visits with C.B. on January 12, 2003, January 14, 2003, January 16, 2003, January 19, 2003, January 26, 2003, January 28, 2003, and January 30, 2003. Respondent failed to document his evaluation of C.B. on January 17, 2003.

(2) Patient R.D.

Respondent failed to document his evaluation of R.D. on January 18, 2003. Respondent failed to prepare and maintain any record(s) of his visits with R.D. on January 22, 2003, January 24, 2003, January 28, 2003 and January 30, 2003.

(3) Patient M.N.

Respondent failed to prepare and maintain any record(s) of his visit with M.N. on January 16, 2003. Respondent failed to document his evaluation of M.N. on February 2, 2003.

(4) Patient E.W.

Respondent failed to document his evaluation of E.W. on January 17, 2003.

(5) Patient D.W.

The patient record of January 12, 2003, does not document the treatment plan.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending the Physical Therapist's License number PT 16584 of Don Fadri Ferrolino;
2. Ordering Don Fadri Ferrolino to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;
3. Taking such other and further action as deemed necessary and proper.

DATED: November 19, 2003

Original Signed By:
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant